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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 09.05.2024

+ W.P.(CRL) 420/2024

VICKY CHADHA & ANR.

..... Petitioners

Through: Mr. Praveen Laroia, Advocate with
Petitioners-in-person.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for State with
Mr. Amit Peswani, Advocate and ASI
Devender Singh, PS: Rani Bagh.
Mr. Rakesh Gupta and Ms. Sangeeta
Gupta, Advocates for Respondent
No. 2 with R-2-in-person.

+ W.P.(CRL) 424/2024

SANTOSH KUMAR

..... Petitioner

Through: Mr. Rakesh Gupta and Ms. Sangeeta
Gupta, Advocates with Petitioners-in-
person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for State with
Mr. Amit Peswani, Advocate and ASI
Devender Singh, PS: Rani Bagh.
Mr. Praveen Laroia, Advocate for
Respondent No. 2 with R-2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA



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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Separate Writ Petitions under Article 226 of the Constitution of India read with Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioners for quashing of FIR No. 1060/2023, under Sections 394/34 IPC and FIR No. 1064/2023, under Sections 323/354/506/509 IPC respectively, both registered at P.S.: Rani Bagh and proceedings emanating therefrom.
2. In brief, FIR No. 1060/2023, under Sections 394/34 IPC in W.P.(CRL) 420/2024 was registered on complaint of Santosh Kumar (respondent No. 2), who is a practicing Advocate. He alleged that on 28.08.2023 about 09:00 PM, four persons entered his office and snatched a gold chain along with a packet of Rs. 500/- notes and also threatened to lodge a complaint for outraging the modesty of woman and fled from the spot.
3. A cross-FIR No. 1064/2023, under Sections 323/354/506/509 IPC in W.P.(CRL) 424/2024 was registered at P.S.: Rani Bagh on 29.10.2023 against Santosh Kumar (petitioner) for outraging of modesty and other relevant sections.
4. The disputes have been amicably resolved between the parties in both the cases in terms of settlement deed dated 30.12.2023. Learned counsel for the parties submits that aforesaid FIRs are consequence of minor disputes between the parties, which have since been resolved and quashing of the proceedings shall enable them move forward in life. It is also pointed out that parties are not involved in any other case except FIR No. 0824/2023, under Sections 323/341/506/34 IPC, registered at PS: Rani Bagh, between the same parties and they intend to compound the same.



5. Learned ASC for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIRs in question are quashed.

6. Petitioners seek to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

8. Parties are present in person and have been identified by ASI Devender Singh, PS: Rani Bagh. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 in both petitions also state that nothing remains to be further adjudicated upon between the parties and



they have no objection in case the FIRs in question are quashed.

9. Parties intend to put quietus to the proceedings and move forward in life. The settlement shall further promote harmony between the parties. The chances of conviction are also bleak in view of settlement between the parties and no purpose shall be served by keeping the proceedings pending.

10. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 1060/2023, under Sections 394/34 IPC and FIR No. 1064/2023, under Sections 323/354/506/509 IPC, both registered at P.S.: Rani Bagh and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances instead of imposing costs, petitioners in respective petitions are directed to plant 25 saplings of trees each, which are upto 03 feet in height in the local parks in the residential area within jurisdiction of PS: Rani Bagh, Delhi after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, PS: Rani Bagh. The photographs of planted saplings along with report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 25,000/- respectively with the Delhi State Legal Services Authority.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this order be forwarded to learned Trial Court for information.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

MAY 09, 2024/R